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General Assembly
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Wednesday, 26 November 1997, 10 a.m.
New York

President: Mr. Udovenko ..... (Ukraine)

The meeting was called to order at 10.25 a.m.

Agenda item 16 *(continued)*

Elections to fill vacancies in subsidiary organs and other elections

(a) Election of twenty-nine members of the Governing Council of the United Nations Environment Programme

The President: Pursuant to General Assembly decision 43/406, the Assembly will proceed to the election of 29 members of the Governing Council of the United Nations Environment Programme, to replace those members whose term of office expires on 31 December 1997.

The 29 outgoing members are: Argentina, Brazil, Bulgaria, Burundi, Canada, China, Costa Rica, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, France, Gabon, the Gambia, Germany, Guinea-Bissau, Hungary, Indonesia, Japan, Nicaragua, the Republic of Korea, the Russian Federation, Spain, the Sudan, Sweden, Switzerland, the Syrian Arab Republic, the United States of America, Venezuela, Zambia and Zimbabwe.

Those States are eligible for immediate re-election.

I should like to remind members that after 1 January 1998 the following States will still be members of the Governing Council: Algeria, Australia, Benin, Burkina Faso, the Central African Republic, Chile, Colombia, the Czech Republic, Finland, India, the Islamic Republic of Iran, Italy, Kenya, Marshall Islands, Mauritania, Mexico, Morocco, the Netherlands, Pakistan, Panama, Peru, the Philippines, Poland, Samoa, Slovakia, Thailand, Tunisia, Turkey, and the United Kingdom of Great Britain and Northern Ireland.

Therefore, those 29 States are not eligible in this election.

As members know, in accordance with rule 92 of the rules of procedure,

> "All elections shall be held by secret ballot. There shall be no nominations."

However, I should like to recall paragraph 16 of General Assembly decision 34/401, whereby the practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard, unless a delegation specifically requests a vote on a given election.

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on that basis?

It was so decided.

97-86593 (E)

This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one month of the date of the meeting*, to the Chief of the Verbatim Reporting Service, Room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

The President: Regarding candidatures, I have been informed by the Chairmen of the regional groups that for the eight seats from the African States, the endorsed candidates are: Botswana, Burundi, Cameroon, Comoros, Malawi, Nigeria, Sudan and Zimbabwe.

For the six seats from the Asian States, the endorsed candidates are: China, Indonesia, Japan, Kazakhstan, Republic of Korea and Syrian Arab Republic.

As for the three seats from the Eastern European States, the three endorsed candidates are: Belarus, Hungary and Russian Federation.

For the Latin American and Caribbean States, the five endorsed candidates for the five seats are: Antigua and Barbuda, Argentina, Cuba, Jamaica and Venezuela.

For the seven seats from the Western European and other States, the seven endorsed candidates are: Austria, Belgium, Canada, France, Germany, Norway and the United States of America.

Since the number of candidates endorsed by the African States, the Asian States, the Eastern European States, the Latin American and Caribbean States and the Western European and other States corresponds to the number of seats to be filled in each region, may I take it that the General Assembly decides to elect those candidates as members of the Governing Council of the United Nations Environment Programme for a four-year term beginning on 1 January 1998?

It was so decided.

The President: I congratulate the States which have been elected members of the Governing Council of the United Nations Environment Programme.

This concludes our consideration of sub-item (*a*) of agenda item 16.

Agenda item 46 (*continued*)

Implementation of the outcome of the World Summit for Social Development

Report of the Secretary-General (A/52/305)

Draft resolution (A/52/L.25)

The President: Members will recall that the General Assembly concluded the debate on this item at its 34th plenary meeting, on 17 October.

I now give the floor to the representative of Chile to introduce draft resolution A/52/L.25.

Mr. Larraín (Chile) (*interpretation from Spanish*): I am very pleased to introduce the draft resolution entitled "Implementation of the outcome of the World Summit for Social Development" under agenda item 46 to the General Assembly on behalf of the 116 sponsors. In addition to the countries referred to in document A/52/L.25, the sponsors include: Azerbaijan, Benin, Botswana, Cyprus, Guinea-Bissau, Honduras, India, Kazakhstan, Liberia, Liechtenstein, Madagascar, Maldives, Mauritius, Papua New Guinea, Saint Lucia, San Marino, Tajikistan, Thailand, Tunisia and Ukraine.

This draft resolution reaffirms the commitments undertaken by heads of State and Government at the World Summit for Social Development and their pledge to give the highest priority to national, regional and international policies and actions for the promotion of social progress, social justice, the betterment of the human condition and social integration on the basis of full participation by all. It also highlights the need to create a framework for action to place people at the very centre of development and to direct economies to meet human needs more effectively.

Given the critical importance of national action and international cooperation for social development, emphasis is placed on the fundamental responsibility of Governments and the fundamental nature of cooperation and assistance at the international level for the full implementation of the Social Summit's Programme of Action.

This draft resolution, while highlighting solidarity with people living in poverty, emphasizes the central role of full employment in the drafting of policies and highlights social integration as one of the aims and objectives set by Governments. It includes an appeal for the promotion of an active and visible policy of mainstreaming a gender perspective.

Similarly, it is recognized that implementation of the Summit's Declaration and Programme of Action will require the mobilization of financial resources at the national and international levels and that the specific cases of Africa and the least developed countries will

need additional resources and more effective development cooperation and assistance.

Emphasis is also placed on the importance of the participation of civil society and other actors in the implementation of and follow-up to the commitments of the Social Summit, as well as in the planning, elaboration, implementation and evaluation of social policies at the national level.

Regarding the role of the United Nations system, special emphasis is placed on the primary responsibility of the Commission for Social Development for the follow-up to and review of the implementation of the outcome of the Summit. The text also welcomes the role, in this respect, of the Economic and Social Council and its subsidiary bodies and highlights the resolutions of the Council on the eradication of poverty and on integrated and coordinated implementation and follow-up of the major United Nations conferences and summits. It also highlights the decision to hold a session of the Council in 1998 to consider further this subject and to hold in 1999 an overall review of the question of poverty eradication, as a contribution to the special session of the General Assembly in the year 2000 for a general review of the Summit.

It stresses, in particular, the work to be done by regional commissions in considering and analyzing the outcome of the Summit, as well as the efforts and contributions of the funds and programmes of the United Nations Development Programme and the International Labour Organization.

Very clearly, this draft resolution adopts the decisions and provisions needed to ensure appropriate preparation for the special session of the General Assembly in the year 2000, which will carry out an overall review and appraisal of the implementation of the outcome of the Summit and consider further actions and initiatives. In this respect, it decides to establish an open-ended Preparatory Committee of the General Assembly that will hold an organizational session of four days' duration from 19 to 22 May 1998, and reaffirms that the Committee will initiate its substantive activities in 1999 on the basis of input by the Commission for Social Development and the Economic and Social Council and that account will be taken of contributions by all relevant organs and specialized agencies of the United Nations system.

Finally, the text reaffirms that the follow-up to the Summit will be undertaken on the basis of an integrated approach to social development and within the framework of a coordinated follow-up to and implementation of the results of the major international conferences in the economic and social fields, and requests the Secretary-General to ensure that the preparatory process for the special session benefits from the active involvement of all concerned and that the Secretariat is adequately supported so that it can assist in this process.

Before I conclude, I would like in particular to highlight and express our appreciation for the excellent work of the Counsellor of the Brazilian delegation, Ms. Marcela Nicodemos, who headed the informal consultations that led to this draft resolution with efficiency and promptness.

We reiterate the determination of the Government of Chile to continue to promote the follow-up and implementation of the commitments of the Social Summit at all levels, and, in particular, in the context of preparations for the special session of the General Assembly in 2000.

My delegation hopes that, as in previous years, this resolution will be adopted by consensus at this General Assembly.

Mr. Jin Yongjian (Under-Secretary-General for General Assembly Affairs and Conference Services): I should like to inform members that under the terms of operative paragraph 51 of draft resolution A/52/L.25, on the implementation of the outcome of the World Summit for Social Development, the General Assembly would decide to establish a preparatory committee open to the participation of all States Members of the United Nations and members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly, and that the preparatory committee would hold an organizational session of four days' duration, from 19 to 22 May 1998.

It is anticipated that there would be two meetings per day, for a total of eight meetings, with interpretation services in all six official languages. The volume of documentation for the session is anticipated at 110 pages, to be processed in all six official languages. The conference servicing requirements for the four-day organizational session in 1998 are estimated, at full cost, at an amount of $157,700.

The extent to which the Organization's permanent capacity would need to be supplemented by temporary assistance resources can be determined in the light of the

calendar of conferences and meetings for the biennium 1998-1999. However, provision is made under section 27E on "Conference services" of the proposed programme budget for the biennium 1998-1999 not only for meetings programmed at the time of budget preparation, but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings in past years.

Consequently, should the General Assembly decide to adopt the draft resolution, no additional resources would be required beyond those already planned for inclusion in the proposed programme budget for the biennium 1998-1999, under section 27E.

The President: The Assembly will now take a decision on draft resolution A/52/L.25.

I should like to announce that since the introduction of the draft resolution, Ethiopia has become a sponsor.

May I take it that the Assembly wishes to adopt draft resolution A/52/L.25 without a vote?

Draft resolution A/52/L.25 was adopted (resolution 52/25).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 46?

It was so decided.

Agenda item 39

Oceans and the law of the sea

(a) Law of the sea

Reports of the Secretary-General (A/52/487, A/52/491)

Note by the Secretary-General (A/52/260)

Draft resolutions (A/52/L.26, A/52/L.27)

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

Report of the Secretary-General (A/52/555)

Draft resolution (A/52/L.29)

(c) Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards

Report of the Secretary-General (A/52/557)

Draft resolution (A/52/L.30)

The President: I wish to recall that on 10 December, the international community will mark the fifteenth anniversary of the signing of the 1982 United Nations Convention on the Law of the Sea, which laid down a comprehensive programme of law and order in the world's oceans and seas, thus providing the legal framework and detailed rules to govern all ocean uses and access to their resources.

1997 will be recorded as the year when the formation of all three bodies mandated by the Convention was completed. With the creation of the Commission on the Limits of the Continental Shelf, the world community received the full set of tools for the effective implementation of the Convention's provisions.

As I open this agenda item, I would like to point out that at the present session of the General Assembly, the item on the law of the sea has been significantly expanded. It now includes all ocean issues. The wider mandate is evidence of the importance attached by Member States to the presentation of a global overview of these issues to the General Assembly. Indeed, the General Assembly is the only global institution with the competence to conduct such a comprehensive annual review.

I suggest that our discussion not be limited to the normative aspect of the instruments pertaining to the law of the sea and their positive contribution to the maintenance of international peace and security. In view of the ongoing process of United Nations reform, and considering the growing support for the new role of the Organization in addressing development issues, the time is ripe to focus on those aspects of the Convention that provide important means to promote the economic and social development of States as well as global environmental protection. Therefore I encourage all the delegates to engage in action-oriented dialogue in this forum.

Finally, I wish to inform delegates that because of the ongoing hearings in Hamburg in the first case to be brought before the International Tribunal for the Law of the Sea upon the application of Saint Vincent and the Grenadines, neither the President of the Tribunal, Mr. Thomas A. Mensah, nor the Tribunal Registrar, Mr. Gritakumar E. Chitty, was able to come to New York to make a statement in the General Assembly on behalf of the Tribunal. Nevertheless, the text of a statement was recently received, and copies of it will be made available by the Secretariat.

I now call on the representative of New Zealand to introduce draft resolutions A/52/L.26 and A/52/L.27.

Ms. Wong (New Zealand): I have the honour to take the floor, as coordinator, to introduce agenda item 39, on "Oceans and the law of the sea". The Secretary-General's report (A/52/487) notes that there are now 120 parties to the United Nations Convention on the Law of the Sea and that the establishment of the institutions created under the Convention is now complete.

Of the four draft resolutions before us, draft resolutions A/52/L.29 and A/52/L.30, concerning fisheries, will be introduced by the next speaker, the representative of the United States.

There are additional sponsors of draft resolution A/52/L.26, as follows: Austria, China, Croatia, Guinea-Bissau, India, Italy, Malaysia, Malta, Mozambique, Myanmar, the Netherlands, Nigeria, Senegal, South Africa, Sweden, Trinidad and Tobago and Ukraine.

Draft resolution A/52/L.26 was the result of a series of open-ended consultations among delegations. Its focus is to recall certain important aspects of the United Nations Convention on the Law of the Sea and to express the international community's welcoming the increasing number of States parties to the Convention, while encouraging further States to become parties.

The draft resolution responds to the information in the Secretary General's report concerning declarations and statements made under article 310. Since declarations and statements should not purport to exclude or modify the legal effect of the provisions of the Convention, the draft resolution calls upon States to examine their declarations and withdraw any that are not in conformity with the Convention.

The next Meeting of States Parties to the Convention will be held from 18 to 22 May 1998, with the Commission on the Limits of the Continental Shelf set to continue the work initiated after the election of its members earlier this year, at meetings in May and August next year. The Commission's work on finalizing its rules of procedure is well advanced.

Mr. Elaraby (Egypt), Vice-President, took the Chair.

The draft resolution welcomes the progress made by the new institutions of the Convention: the International Seabed Authority in Kingston, Jamaica, and the International Tribunal for the Law of the Sea in Hamburg, Germany. This past year has seen the Seabed Authority approve seven plans of work for exploration in the Area, and achieve advances in the drafting of the Mining Code. During the year, States parties adopted the Agreement on the Privileges and Immunities of the Tribunal, and the Tribunal itself made progress in concluding a Headquarters Agreement, while adopting its rules of procedure, a resolution on Internal Judicial Practice and the Guidelines to assist parties. Many involved in the establishment of this new institution for the settlement of disputes welcomed the news that the Tribunal had before it its first application instituting a case before the Tribunal.

The draft resolution also recalls the comprehensive dispute settlement system established in part XV of the Convention and encourages States parties to consider making a declaration choosing from the means of settlement of disputes set out in article 287. It also recalls the provisions concerning arbitrators and conciliators.

In the context of the focus on reform at this General Assembly session, it is timely to restate the Secretary-General's responsibilities and underline how important these continue to be to Member States in this area. The draft resolution underpins the Secretary-General's special responsibilities under the Convention by focusing on the mandate for the Division for Ocean Affairs and the Law of the Sea.

The draft resolution highlights the importance of his role in producing the annual comprehensive report and special reports, and in this regard a new reference is made to the transit problems of landlocked developing States. The text notes the Secretary-General's responsibilities to provide facilities for depositing charts, disseminating information, encouraging better understanding of the Convention, responding to requests

from States, preparing meetings, and assisting with training. Member States are invited to contribute to the Hamilton Shirley Amerasinghe Memorial Fellowship Programme.

Draft resolution A/52/L.26 notes the decision taken at the special session of the General Assembly held earlier this year for the Commission on Sustainable Development to undertake periodic reviews of all aspects of the marine environment. The first such review will take place in 1999. The special session identified an urgent need for action, specifically in relation to fisheries, given the decline in many fish stocks and the high levels of discards and rising marine pollution. The draft resolution calls on States to implement resolution 51/189 and strengthen agreements aimed at combating marine pollution.

Next year will be the International Year of the Ocean. It will be an important time to reflect on the further concrete action the international community must take on oceans and the law of the sea, and we expect to have before us a report from the Independent World Commission on the Oceans.

The Secretary-General highlighted the need for a comprehensive and coordinated approach at the global level. This General Assembly debate provides such an important forum, but we need to find ways to involve representatives of non-governmental organizations in our work.

There are additional sponsors to the second draft resolution before us (A/52/L.27): Argentina, Austria, China, Guinea-Bissau, India, Italy, Malaysia, Malta, South Africa and Trinidad and Tobago. Draft resolution A/52/L.27 is a housekeeping draft resolution approving the Agreement concerning the Relationship between the United Nations and the International Seabed Authority. The Relationship Agreement establishes a framework for cooperation between the United Nations and the Seabed Authority on administrative and technical-support matters, such as exchange of personnel, servicing of meetings, translation of documents and interpretation, relationship with the United Nations Joint Staff Pension Fund, facilitation of a health-insurance scheme, use of the International Civil Service Commission and common staff terms and conditions.

For the information of delegations, agenda item 39 will remain open at the end of our action today, so that in the new year the Relationship Agreement currently being concluded between the United Nations and the Tribunal for the Law of the Sea can be considered and approved.

While I commend draft resolution A/52/L.27 to members to be adopted by consensus, it is unfortunate that it has become usual practice for a delegation to request a recorded vote on draft resolutions such as A/52/L.26. If there is a collective process which can be initiated to avoid this outcome next year, my delegation would support that effort wholeheartedly on such an important draft resolution.

The Acting President (*interpretation from Arabic*): I now call on the representative of the United States of America to introduce draft resolutions A/52/L.29 and A/52/L.30.

Mr. Spitzer (United States of America): The delegation of the United States has the honour to introduce draft resolution A/52/L.29, entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks", and draft resolution A/52/L.30, entitled "Large-scale pelagic drift-net fishing: unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries by-catch and discards; and other developments".

Once again, we would like to extend our gratitude to all those delegations that offered valuable suggestions and worked in a spirit of cooperation to draft these two texts. We expect, as in the case of draft resolutions in years past, that draft resolutions A/52/L.29 and A/52/L.30 will be adopted by consensus.

I am pleased to announce at this time as additional sponsors the following States: for draft resolution A/52/L.29; Argentina, Brazil, Iceland, Malaysia, Samoa, Solomon Islands and Ukraine; for draft resolution A/52/L.30, Argentina, Brazil, the Philippines, Samoa and Solomon Islands.

I would like to take this opportunity to reiterate the long-standing support of the United States for the 1982 United Nations Convention on the Law of the Sea, which now has been ratified by 122 States. This Convention is one of the most ambitious and complex treaties ever concluded under the auspices of the United Nations, and though we have not yet acceded to its provisions

formally, it serves as the basis on which United States ocean policy is formulated and carried out.

The United States supports the Convention on the Law of the Sea as modified by the 1994 Agreement and is working to achieve the necessary advice and consent of the United States Senate. The Convention on the Law of the Sea is a signal achievement, and it is our hope that in the not-too-distant future the United States will join with the rest of the world in formally embracing this Convention and the 1994 Agreement.

In the last year the parties to the Convention have made enormous strides in establishing three of the institutions called for in the Convention. Those organizations — the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf — are now in operation. All have begun to undertake their responsibilities while keeping in mind the importance of a cost-effective and evolutionary approach. We must continue to work to ensure the integrity of these institutions so that their credibility will redound to the benefit of the entire international community.

We believe that as confidence builds in the law-of-the-sea regime that we have worked so hard to achieve, States will begin to review the considerable number of declarations or statements made upon signing, ratifying or acceding to the Convention on the Law of the Sea. It is our hope that many of these declarations and statements which are not in conformity with the Convention will be withdrawn.

Article 310 provides that a State may make declarations or statements when signing, ratifying or acceding, provided they are not reservations. Those statements or declarations cannot purport to exclude or modify the legal effect of the provisions of the Convention in their application to that State. Article 309 of the Convention prohibits reservations, except where expressly permitted by other articles.

Declarations and statements not in conformity with articles 309 and 310 include, among others, first, those which relate to baselines not drawn in conformity with the Convention; secondly, those which purport to require notification or permission before warships or other ships exercise the right of innocent passage; thirdly, those which are not in conformity with the provisions of the Convention relating to straits used for international navigation, including the right of transit passage; fourthly, those which are not in conformity with the provisions relating to archipelagic States' waters, including archipelagic baselines and archipelagic sea-lane passage; fifthly, those which are not in conformity with the provisions of the Convention relating to the exclusive economic zone or the continental shelf; sixthly, those not in conformity with provisions of the Convention relating to delimitation; and, lastly, those which purport to subordinate the interpretation or application of the Convention to national laws and regulations, including constitutional provisions.

We note with regret that the threat of piracy and armed robbery against ships, ship owners, seafarers and their economies has unfortunately become a real and substantial problem demanding proactive responses. The United States urges all States to become parties to the maritime terrorism convention and its related protocol by the year 2000.

We are pleased to see that all law-of-the-sea and ocean issues, including those of the marine environment and fisheries, which are on the agenda of the General Assembly are being taken up under a single, unified agenda item rather than being dealt with in piecemeal fashion. The United Nations Conference on Environment and Development at Rio de Janeiro, as well as the Commission on Sustainable Development, endorsed recommendations that there be an annual overview of oceans issues in the General Assembly. We are therefore very optimistic that such an overall review will allow States to gain a greater understanding of the interdependence of these issues, make valuable linkages and avoid duplication. In this regard, we welcome the report of the Secretary-General and the valuable work of the Division for Ocean Affairs and the Law of the Sea as it continues to keep the Assembly apprised of all ocean-related activities.

We continue to believe that a more concerted effort must be undertaken by States within appropriate United Nations bodies to give full force and effect to the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and we welcome the language in the draft resolution on this topic. The United States considers the Global Programme of Action a major contribution to international efforts to implement the recommendations of the United Nations Conference on Environment and Development. We also look forward to continued steady progress on the protection of the marine environment.

For this to occur, it is incumbent upon States to take action within their member organizations to ensure that the cooperation required to establish a clearing-house mechanism, as well as to implement other aspects of the Global Programme of Action, are accorded high priority within those institutions. We believe that such a priority can be accommodated within existing resources, as the expertise required to implement the Global Programme of Action, particularly the clearing-house mechanism, already exists. The United States actively supports the establishment of a mechanism that would allow developed and developing countries to share information on numerous land-based activities, such as sewage and waste water, heavy metals, nutrients and sediments.

I would also like to address the progress that the international community has made with regard to the conservation and management of the world's fishery resources. To date, 15 nations have deposited instruments of ratification to the Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks. This represents half the number of instruments of ratification needed to bring the Agreement into force. We fully support the Agreement because it builds upon the conservation and management concepts established in the Convention, and it gives form and substance to the Convention's mandate for States to cooperate in conserving and managing straddling and highly migratory fish stocks. We applaud the United Nations call for those members of the international community that have not done so to ratify the Agreement and to deposit their instruments of ratification.

Although the Agreement is not yet in force, we are pleased that many Governments and regional fisheries bodies are moving in the direction of implementing some of the Agreement's key provisions. Among others, we note efforts to improve transparency, to implement a precautionary approach and to improve compliance by members and non-members. We also welcome ongoing efforts to establish new regional fisheries bodies in the south-east Atlantic and in the central and western Pacific in order to manage more effectively the fishery resources found in these areas. Moreover, we are pleased that these efforts are, to a large degree, based upon the provisions contained in the Agreement.

We are disappointed, however, with the progress made thus far in bringing into force the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. This Agreement was adopted in 1993 and requires the deposit of 25 instruments of acceptance to come into force. Thus far, only 10 such instruments have been deposited. We believe that the Compliance Agreement, the United Nations Fish Stocks Agreement and the Code of Conduct for Responsible Fisheries complement each other and provide the cornerstones to ensure sustainable fisheries. In short, it will be important for the international community to find the means to bring the Compliance Agreement into force.

My Government also calls upon all members of the international community to continue to abide by the United Nations moratorium on large-scale drift-net fishing on the high seas and to take prompt and effective enforcement action against violators of the moratorium. Such action should, in our view, include the confiscation and destruction of large scale drift-nets and the imposition of penalties sufficient to deter such violations in the future.

Finally, we welcome the efforts being undertaken through the Food and Agriculture Organization of the United Nations with respect to reducing the incidental capture of seabirds in longline fisheries, promoting the conservation and management of sharks and managing fishing capacity. These efforts reflect the international community's recognition that responsible fisheries management calls for awareness and appropriate action on these important topics, and we believe that the Food and Agriculture Organization is the appropriate international forum to address these issues.

In summary, the United States objectives continue to be promotion of widespread adherence to and implementation of the provisions of the Law of the Sea Convention and the 1994 Agreement; implementation of the Convention and the Agreement in a cost-effective manner, with budgets held to the minimum; the entry into force of the United Nations Fish Stocks Agreement and the Compliance Agreement; and provision for an annual overview of ocean issues in the General Assembly under a single agenda item.

Mrs. Lucas (Luxembourg) (*interpretation from French*): I have the honour to take the floor on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Hungary, Lithuania, Romania, Slovakia and Slovenia — and the associated country Cyprus align themselves with this statement.

The United Nations Convention on the Law of the Sea is the cornerstone of the United Nations efforts to solve problems related to the oceans. In recent years, we have seen the number of States that have ratified the Convention rise to 122, and I am happy to note that the majority of the European Union member States have by now ratified or acceded to it. The preparation of the participation by the European Communities is now in its final stage.

Given the importance of the Convention for the management of the world's oceans, universal acceptance of this instrument is important. This includes universal adherence to the Agreement relating to the implementation of Part XI of the Convention. The Agreement has facilitated the growth of the number of parties to the Convention and has been the key to universal participation in the organs created by the Convention.

Today, a number of States that have ratified the Convention have not yet taken the step of adhering to the Agreement. So far, a pragmatic approach has been adopted that has allowed practical difficulties to be avoided. We call upon those States to make the required effort to ratify the Agreement as well. It is important that all States work to establish a uniform and coherent body of law for the oceans and that they be parties to both the Convention and the Agreement.

The universal acceptance of the United Nations Convention on the Law of the Sea should, however, not take place at the expense of its integrity. The European Union notes with concern that, in spite of the provisions of article 310 of the Convention, a number of States have made declarations that appear to exclude or modify the legal effect of certain provisions of the Convention. As the Convention clearly states in article 309 that reservations may not be made, such declarations cannot have any legal effect. In general, the European Union would like to observe that the prohibition of reservations contained in article 309 is not merely a restrictive rule; it is an essential safeguard for maintaining the balance struck between the multitude of interests covered by the Convention and the Agreement.

Of equal concern are the rules of national law that appear to deviate from the rules set out in the Convention. A number of States have issued legislation that seems to run contrary to the law of the sea and, indeed, to customary law. Let me note a few examples of assumptions that appear in national declarations and in legislation that are of concern to us.

The European Union is concerned about claims that seem to limit the freedoms of the high seas, and in particular the freedom of navigation, as well as the exclusive jurisdiction of the flag State. Similarly, an issue of concern is the fact that certain States have claimed jurisdiction over straits, when such claims are incompatible with the rules of customary law or those laid down in the Convention.

Unfortunately, many more examples could be cited. We would like to call upon all States to ensure that their legislation and its implementation remain within the limits agreed to in the Convention and the Agreement. The European Union wants to stress the need for a consistent interpretation of the Convention's rules. Not only is there a general obligation under the law of treaties to interpret and apply a convention in good faith; it is also in the interest of the world community at large to maintain a consistent interpretation. Those States parties to the Convention that have made declarations or reservations not in conformity with the Law of the Sea Convention should reconsider these declarations or reservations with a view to withdrawing them. Moreover, we would call upon the Secretary-General to include this issue in the next report on the law of the sea to be prepared for the General Assembly.

Turning back to the debate on the law of the sea in this forum, the General Assembly, we wish to stress our attachment to a discussion of this important issue here. The European Union considers the General Assembly to be the place for a thorough debate on the basis of a comprehensive report by the Secretary-General, with preparations for the debate being made in a working group reporting directly to the plenary. It would thus be possible to improve monitoring of the coherence and consistency of the interpretation and development of the law of the sea in its many and varied aspects.

While appreciating the broad scope of the report presented by the Secretariat, the European Union regrets its late distribution, which made it difficult to prepare adequately for the discussion of law of the sea matters. We call upon the Secretary-General to issue the report for the fifty-third session six weeks before the discussions in the General Assembly.

The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks contains numerous

elements for the effective implementation of the provisions of the Convention related to fishing. The European Community and its Member States signed this Agreement at the end of 1996. The procedure for the ratification of the Agreement has begun at both local and national levels within member States. We hope that this process can be concluded within a reasonable period of time.

The European Union would like, finally, to express its support for the efforts made within the framework of the United Nations to ensure better protection of the marine environment and biological diversity. It stresses the importance it attaches to the Convention just when the international community is about to celebrate 1998 as the International Year of the Ocean, and when the main theme chosen for the last World's Fair of the century, Expo '98, to be held in Lisbon from 22 May to 30 September, is "The Oceans, A Heritage for the Future". In this context, it is worth recalling that the oceans will also be the main theme for the activities in 1999 of the United Nations Commission on Sustainable Development.

Mr. Tuerk (Austria): The seventh Meeting of States Parties to the United Nations Convention on the Law of the Sea requested the President of the Meeting to attend the General Assembly debate on the item "Oceans and the law of the sea" to inform it of the work carried out during that Meeting. Therefore, permit me, in my capacity as President of that Meeting, to report on the progress of work of the Meeting.

First, I wish to inform the General Assembly of certain developments relating to the International Tribunal for the Law of the Sea. The seventh Meeting of States Parties considered and approved the budget of the Tribunal for the 1998 financial year. The draft budget submitted by the Tribunal amounted to $7,779,061. After detailed consideration, the budget was approved at a lower amount of $5,627,169, including $1,971,169 for the remuneration of the judges, $2,419,239 for salaries and related costs of the staff of the Registry, and a non-recurrent expenditure of $140,000. It was also decided not to include a contingency amount in the budget, as was done for the 1997 budget, and that any costs for hearing a case in 1998 would have to be defrayed from within existing resources. The budget of the Tribunal, approved by the Meeting of States Parties for the 1998 financial year, is contained in document SPLOS/L.7.

As regards the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, after consideration of the draft at several meetings in a working group chaired by Mr. Martin Smejkal of the Czech Republic, the Agreement was finally adopted by the Meeting and was opened for signature on 1 July 1997. It will stay open for signature at United Nations Headquarters for 24 months. In adopting the Agreement, the Meeting of States Parties included in its report a statement to the effect that on the question of insurance coverage for vehicles owned and operated by the Tribunal, its members and officials, States parties would not normally expect reliance to be placed on immunity in respect of claims for damages arising from accidents involving such vehicles. On the issuance of laissez-passer documents by the United Nations to the members and officials of the Tribunal, the following understanding was reached: although their issuance by the United Nations would facilitate the development of the Tribunal and promote cost-effectiveness, the Tribunal would retain its juridical personality and capacities, as set out in the provisions of the Convention and the Agreement. The Tribunal would therefore retain the right to issue its own laissez-passer in the future.

The Agreement is available in all languages in document SPLOS/25. I hope that States parties that have not done so will sign it as soon as possible. This would enable it to enter into force early, thereby facilitating the work of the Tribunal, its members and its officials. I have been informed that the Tribunal at its last session adopted its rules, a resolution on its internal judicial practice and a set of guidelines concerning the preparation and presentation of a case before the Tribunal. In short, the Tribunal has finished its judicial organization and is now fully equipped to receive and consider cases. I am therefore happy to note that the Registrar of the Tribunal announced on 13 November 1997 that it had received the first application instituting a case before it.

I would now like to turn to developments relating to the Commission on the Limits of the Continental Shelf, which held its first session in June and its second session in September this year. The Commission has adopted its rules of procedure, and, bearing in mind the concerns expressed during the seventh Meeting of States Parties, its members decided to simplify some of the rules contained in the first draft. The rules now also contain provisions addressing the protection of confidential and proprietary information, as well as provisions prohibiting the disclosure of such information by the members of the Commission, both during and after their tenure in office.

The Commission also adopted its *modus operandi*, which describes what should be included in the submission of a coastal State and how it should be presented to and considered by the Commission.

The members of the Commission, however, were of the opinion that a number of issues were of such importance that they needed to be referred to the Meeting of States Parties. Among such issues was granting members immunity from legal process in the performance of their functions, especially in regard to allegations of breach of confidentiality. Another issue related to a submission by a coastal State that might involve a dispute between States with opposite or adjacent coasts, or other cases of unresolved land or maritime disputes. In this context, it should be noted that views were expressed during the seventh Meeting of States Parties that the Commission was responsible for drafting its rules of procedure. A third issue, in the light of article 4 of annex II to the Convention, was whether the terms "a coastal State" and "a State" include a non-State party to the Convention, or refer only to a coastal State or a State that is a State party to the Convention.

Among other issues that were dealt with at the seventh Meeting was the role of the Meeting of States parties in reviewing ocean and law of the sea issues. An opinion was expressed that there is an interrelationship between the discussion of these matters at the Meeting of States parties and at the United Nations General Assembly.

As many representatives are aware, the General Assembly decided a few years ago to broaden the item now under discussion, first to include the issues of fisheries, and then to include ocean issues. Consequently the General Assembly is now in a position to review problems of ocean space, which are closely interrelated and need to be considered as a whole. During the short deliberations at the seventh Meeting of States parties on this subject, the importance of the General Assembly debate was emphasized. But opinions were also expressed that, as important as the discussion was in the General Assembly, the review of ocean and law of the sea issues should be a regular item on the agenda of the Meeting of States parties.

Furthermore, different views were also put forth regarding what such a review should consist of. They ranged from assigning to the Meeting of States parties the task of reviewing global ocean management in all its aspects to merely requesting the Meeting to undertake a simple review of ocean affairs and the law of the sea. In this context, attention was also drawn to the related issue of the role of the General Assembly as the global institution overseeing ocean affairs and the law of the sea, and the relationship of such a role to that of States parties to the Convention.

Emphasis was placed by several delegations on the need to improve coordination among Secretariat units involved in maritime issues, as well as a need to strengthen the overall coordination in relation to institutional responsibilities in marine affairs within the United Nations system. This subject was of particular interest to the States parties, since the view was expressed that many of the agencies were better equipped to handle technical rather than political aspects of ocean issues. A request was made to the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, to keep the Meeting informed of the scope of the responsibilities of the specialized agencies assigned to them under the Convention and the extent to which those responsibilities were being discharged.

Many delegations look forward each year to discussing the Law of the Sea item in the context of the annual report of the Secretary-General on this subject. Because of the consolidated nature of the report and the comprehensive information it contains, many delegations at the Meeting of States parties requested that the report should not be subject to length restrictions and that it should be made available to Governments at least one month before the General Assembly's consideration of the item. As President, I was then requested to address a letter to the Secretary-General to inform him of the wishes of the Meeting. I am grateful that the Secretary-General acceded to those requests and that consequently the report (A/52/487) was received by delegations earlier than in previous years for the consideration of the item here today, and that the document-length restrictions were not imposed. It has also been brought to my attention that the report is available on the Web site of the Division for Ocean Affairs and the Law of the Sea on the Internet.

I hope that the information I have provided on the work of the seventh Meeting of States parties has enabled delegations to be apprised of the developments that took place at that Meeting. I am confident that future Meetings of States parties will continue to strive for the consistent implementation and application of the provisions of the Convention and to take into account the many developments relating to oceans and the law of the sea.

Mr. Wibisono (Indonesia): At the outset, I should like, on behalf of the Indonesian delegation, to convey our deep appreciation to the Secretary-General and to the staff of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, for the comprehensive reports relating to the law of the sea. They outline the extensive activities that have been undertaken and constitute a significant chronicle of the progress made during the past year.

As we stand on the threshold of a new millennium, it is most fitting to recall that the adoption in 1982 of the United Nations Convention on the Law of the Sea was a momentous occasion in the history of international law. This landmark document consolidated law and order for the oceans and seas by keeping in mind the loftiest human ideals of justice and respect for the rights and interests of all nations and peoples. It remains a source of great satisfaction that the Convention was produced as a result of the efforts of the entire international community, through cooperation and dialogue to shape a more peaceful world in which universal and national interests were harmoniously combined.

Since the milestone event of the Convention's entry into force on 16 November 1994, it is most gratifying to note that 122 States have now ratified the United Nations Convention on the Law of the Sea, which augurs well for the future of mankind by establishing order in the oceans, thereby enabling States to develop economically in a stable international environment. In this regard, the annual report of the Secretary-General reflects the steady progress that has been made in the implementation of the Convention. It has proved to be a significant period in consolidating the uniform application of the Convention, harmonizing international and policy developments and ensuring enhanced cooperation within its framework to deal with emerging issues and problems.

We are gratified that the long and arduous process has now been completed with the establishment of the "treaty system of ocean institutions", including the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf. Indonesia has participated in all these endeavours from the outset and will continue to play an active role in those forums.

Indonesia, as an archipelagic State comprising thousands of islands, attaches utmost importance to the Convention and ratified this historic legal document in 1985. Consistent with its firm commitment, it has already adopted many of the provisions of the Convention in its national legislation by the enactment of Law No. 6/1996 of 8 August 1996. Furthermore, Indonesia will continue the legislative process to update and revise national laws in line with the Convention. It has already in practice applied the Agreement relating to the implementation of Part XI of the Convention de facto while in the process of ratifying it.

We remain convinced that the Convention has become the cornerstone for fostering international, regional and bilateral cooperation among States. Within the framework of regional cooperation, we have been very supportive of such cooperation through the Association of South-East Asian Nations (ASEAN) mechanism and other regional and international organizations. To ensure good-neighbourliness, Indonesia has concluded a number of maritime boundary agreements with adjacent countries and is continuing its endeavours in this field. Desirous of enhancing peace, stability and prosperity, Indonesia and the other member States of ASEAN have adopted a comprehensive approach to regional security through the establishment of arrangements, mechanisms, agreements and treaties that include the ASEAN Declaration of a Zone of Peace, Freedom and Neutrality (ZOPFAN); the Declaration of ASEAN Concord; the Treaty of Amity and Cooperation; the South-East Asia Nuclear-Weapon-Free Zone Treaty; and the ASEAN Regional Forum as a venue for dialogue and cooperation on political and security issues.

In accordance with provisions contained in article 41 of the Convention giving coastal States the right to designate sea lanes and stipulate traffic separation schemes for straits used for international navigation, Indonesia and the neighbouring countries of Malaysia and Singapore have advanced a proposal for new and amended traffic separation schemes in the Straits of Malacca. In this regard, we are pleased that the Maritime Safety Committee's Subcommittee on Safety of Navigation has approved the proposal with some modifications, and will adopt it at its next session, scheduled to be held in May 1998. It is pertinent to note in this context that the proposal foresees the establishment of inshore traffic zones in the Straits to promote a safe and orderly flow of traffic by separating local from through traffic. It should be pointed out that such zones have been successfully implemented in other straits around the world, contributing to maritime safety.

Likewise, in line with the provisions of article 53 of the Convention, on archipelagic waters, Indonesia has

proposed that the Maritime Safety Committee consider the adoption of archipelagic sea lanes as well as the corresponding air routes, based on the need for safety in navigating the waters in and around the Indonesian archipelago. We hope that the Subcommittee will give favourable consideration to the revised proposal that Indonesia plans to put forward at the sixty-ninth session of the Maritime Safety Committee.

Recognition of the fragility of the global environment has led in recent years to the development of appropriate legal mechanisms to tackle this deteriorating situation, particularly with respect to the degradation of coastal areas. Indeed, the Convention was a major inspiration for the work of the United Nations Conference on Environment and Development, held at Rio de Janeiro in June 1992.

Chapter 17 of Agenda 21, adopted at that Conference, refers to the Convention's provisions on the rights and duties of States and on the most effective methods of ensuring sustainable development of the marine and coastal environment with a view to the protection and conservation of marine resources. These provisions have been further augmented by the Convention on Biological Diversity and the Jakarta Mandate on Marine and Coastal Biological Diversity. In this regard, it should be emphasized that the Jakarta Mandate — covering the following areas: integrated marine and coastal area management; marine and coastal protected areas; sustainable use of marine and coastal living resources; and mariculture and alien species — called, *inter alia*, for the effective implementation of the Convention on Biological Diversity concerning marine and coastal biodiversity questions. In addition, it recommended a full review of all those issues to avoid duplication of endeavours and to enhance cost-effective cooperation.

As a maritime nation where the islands and the surrounding seas form an ecological entity, Indonesia is gravely concerned about the degradation of the marine environment. In this regard, Indonesia has adopted national legislation in line with the provisions of article 56 (1) of the Convention concerning the right of a coastal State to exercise jurisdiction with regard to the protection and preservation of the marine environment. Our commitment to the promotion of sustainable development is fully reflected in the concept that has been part and parcel of the philosophy of development in Indonesia for more than two decades.

The heightened awareness inspired by the Convention was largely responsible for the successful efforts leading to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. We have consistently extended our firm support to this legal regime, which has paved the path to securing our common goal of ensuring long-term, stable and sustainable living resources of the vast oceans and seas based on cooperation, mutual benefit and shared responsibility. Such laudable objectives are in keeping with the spirit and provisions of the Convention.

The Indonesian delegation would like to express its gratitude to the Under-Secretary-General for Legal Affairs, the Legal Counsel, for awarding, upon the recommendation of the Advisory Panel of experts, the prestigious Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea for 1997-1998 to the candidate from Indonesia. We also thank the donors of the fellowship programme for their generous contributions to enhance capacity-building, particularly for the developing countries, in this vital area of the law.

Indonesia deems it a distinct pleasure to join once again in sponsoring a draft resolution on this item. It is our fervent hope that all Member States will lend this year's draft resolution their unswerving support, for, without a shadow of doubt, all of mankind stands to reap untold and vast benefits from the substantive document that is the Convention on the Law of the Sea.

Mr. Horoi (Solomon Islands): I have the honour to take the floor on behalf of the members of the South Pacific Forum on agenda item 39: "Oceans and the law of the sea". For countries in the vast Pacific Ocean this item has a special significance.

This year marked the very successful outcome of the Second Multilateral High-level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific. The Conference was hosted in Majuro by the Government of the Marshall Islands in June of this year. Under the guidance of His Excellency Satya Nandan, the Conference focused on measures to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the 1995 Fish Stocks Agreement).

Attended by representatives of all Forum member Governments and of Governments whose vessels fish in

the area, the Conference reviewed key target stocks, issues relating to the conservation and management of highly migratory fish stocks, and options for the development and operation of a regional fisheries management arrangement, and it agreed on a future programme of work. Organized by the Forum Fisheries Agency, the Conference concluded with the unanimous adoption of the Majuro Declaration. The Declaration contained a commitment to establish a mechanism for the conservation and management of the highly migratory fish stocks of the region in accordance with the 1995 Fish Stocks Agreement.

At the twenty-eighth meeting of the South Pacific Forum, held in Rarotonga, Cook Islands, in September this year, leaders endorsed the convening of inter-sessional working groups on fisheries management and on monitoring, control and surveillance as well as of a third multilateral high-level conference. The high-level conference will be held in 1998 before the next meeting of the Forum.

The Forum also called on developed States to honour their obligations and commitments to provide financial assistance to facilitate the participation of Pacific island countries at future inter-sessional working group meetings and at high-level conferences.

This year the Forum endorsed the concept of a vessel monitoring system for the member countries of the Forum Fisheries Agency. This concept will be progressively tested and implemented for the vessels of distant-water fishing nations operating in the exclusive economic zones of the Forum Fisheries Agency member countries, according to each country's wish. The Forum leaders called on the distant-water fishing nations operating in their region to support the vessel monitoring system initiative.

We in the Pacific are doing our bit in the face of concern that many commercially important straddling and highly migratory fish stocks continue to be subject to overfishing. We fully support the adoption of draft resolution A/52/L.29 calling on all States and other entities to become party to the Agreement for the Implementation of the Convention on the Law of the Sea.

We particularly welcome the provision contained in operative paragraph 4 of the draft resolution, which calls on all States to ensure that any declarations they have made or make when becoming party to the Agreement do not purport to exclude or modify the legal effect of the provisions of the Agreement. The Agreement must be applied consistently with this provision contained in article 43 so that it cannot be construed as having been undermined or rendered ineffective.

We fully support the adoption by consensus of draft resolution A/52/L.30 concerning the global moratorium on the use of drift-nets, and the problems of by-catch and unlawful fishing. This year it is a matter of continuing concern that in some areas reports of the unlawful use of drift-nets persist. Tremendous numbers of dolphins, whales, sharks, turtles and other species have been lost as a result of the continued use of this unacceptable fisheries practice. It is important that nets be confiscated and destroyed, and not sold or transferred to others who may use those nets in violation of the global moratorium. The nets we ban today in one country — and this is very important — must not wind up in other countries tomorrow.

The South Pacific Commission and the Forum Fisheries Agency are both involved in managing observer programmes to monitor fishing activities aimed at combating illegal drift-net and unauthorized fishing activities. The annual review of this problem by the United Nations is important in monitoring these practices.

This year we welcome the recognition in the draft resolution of the work of the Food and Agriculture Organization of the United Nations (FAO) concerning the reduction of the incidental catch of sea birds and the management of shark populations and of fishing capacity. These are all important emerging issues, and the United Nations is right to focus on them at this time.

We support the adoption of draft resolution A/52/L.26 entitled "Oceans and the law of the sea" under agenda item 39 (a). This year the draft resolution notes the important progress made by the new institutions of the International Seabed Authority and the International Tribunal for the Law of the Sea. It is timely for the draft resolution to set out the important mandate of the United Nations Division for Ocean Affairs and the Law of the Sea, which Member States from our region particularly support.

Finally, countries from our region endorse the adoption of draft resolution A/52/L.27 approving the Agreement concerning the Relationship between the United Nations and the International Seabed Authority. We look forward to the approval of a similar agreement with the Tribunal in the future.

Mr. Gray (Australia): Australia associates itself fully with the statement delivered on behalf of the members of the South Pacific Forum. In view of the importance of oceans and law of the sea issues to a maritime nation like Australia, we wish to add some further comments.

The law of the sea has at last moved beyond the institutional phase into the implementation phase. Australia welcomes the election of the members of the Commission on the Limits of the Continental Shelf, which has now met twice. As a nation with great interest and valuable experience in continental shelf issues, we strongly support the provision in the Commission's rules of procedure for its drawing upon outside expertise.

The Tribunal for the Law of the Sea has adopted its rules of procedure and, we are pleased to note, on 13 November received the first application instituting a case. The Tribunal is currently considering that case, which is based on article 292 of the United Nations Convention on the Law of the Sea; it is expected to deliver its judgement on 4 December.

Perhaps most importantly, the International Seabed Authority has completed the arduous task of establishing its subsidiary bodies and an independent budget, and has begun its substantive work with the approval of seven work plans for exploration and the consideration of a draft mining code. Australia is a sponsor of the draft resolution which would approve the relationship Agreement between the United Nations and the Authority (A/52/L.27). We will continue to work with other Assembly members to ensure that the mining code is balanced, comprehensive and workable and that it provides adequate environmental protection. We congratulate Secretary-General Nandan on his efforts to establish an efficient and effective secretariat.

Australia has also co-sponsored the draft resolution on oceans and the law of the sea (A/52/L.26). We believe that the international community can and must better coordinate its handling of the full range of law of the sea and oceans issues, including their legal, environmental, institutional and economic aspects, and we see the draft resolution as contributing to that process. Just as we welcomed the combining of law of the sea resolutions, formerly considered by the Sixth Committee, with fisheries resolutions, formerly considered by the Second Committee, into a single plenary item, we welcome the new title of this draft resolution, "Oceans and the law of the sea", as a symbol of the holistic treatment of these interrelated, cross-sectoral issues.

We encourage those bodies dealing with seas and oceans policy and issues, including the Meeting of States Parties to the Convention on the Law of the Sea, the Division for Ocean Affairs and the Law of the Sea, the Commission on Sustainable Development, and the United Nations Environment Programme (UNEP), as well as other organizations, including the newly created Independent World Commission on the Oceans, to redouble their efforts to coordinate their work. In particular, we would like to see improved information exchange by means of electronic networks, such as world wide web sites and e-mail conferencing, and the holding of regular inter-agency coordination meetings.

We remain convinced of the importance of strengthening the Division for Ocean Affairs and the Law of the Sea. It is important to have a focal point in the Secretariat responsible for compiling information on the law of the sea and its implementation by States, and for assisting States to carry out their obligations. We urge the Secretary-General to ensure that the Division provides adequate support and assistance to the newly created Convention institutions, especially the International Seabed Authority.

Australia is pleased to co-sponsor the draft resolution on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/52/L.29). We support the implementing Agreement and welcome progress toward its entry into force. We are currently reviewing domestic arrangements with a view to ratification, and urge all States to ratify as soon as possible.

Australia considers it essential that all parties comply fully with the letter and spirit of the Agreement once it has entered into force. We would not wish to see attempts to distort its meaning or prevent its full and effective implementation through, for example, interpretive declarations.

We are pleased to note the progress made at the Multilateral High-level Conference on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific, held in the Marshall Islands earlier this year, on the development of a regional fisheries management arrangement for the Central and Western Pacific. We encourage all participants to

continue the excellent cooperative approach achieved at that meeting.

Australia is greatly concerned about the recent increase in illegal fishing in the Southern Ocean. We have taken, and will continue to take, concrete steps to combat illegal fishing and properly manage the resources within our exclusive economic zone. We urge all States to take appropriate measures, both unilaterally and through regional management organizations such as the Commission for the Conservation of Antarctic Marine Living Resources to prevent illegal and unregulated fishing, including in the Southern Ocean.

Australia supports the provisions in draft resolutions A/52/L.29 and L.30, on fisheries, that the biennialized Secretary-General's reports, and the agenda sub-items relating to them, arise in alternate years, and that the reports draw upon information from a wide range of sources. Alternating the reports and the attendant debate will spread the Secretariat's burden more evenly and help ensure that debate is topical and based on the most up-to-date information.

Australia has also sponsored draft resolution L.30, entitled "Large-scale pelagic drift-net fishing: unauthorized fishing in zones of national jurisdiction and on the high seas; fisheries by-catch and discards; and other developments". We are reaching the limits of tolerance with respect to continuing reports of violations of past General Assembly resolutions, in particular of the global moratorium on drift-net fishing. We insist upon full implementation and observance of the moratorium and call upon States to ensure that drift-nets are confiscated and destroyed, not sold or transferred to others who can then continue this abominable and illegal practice.

We note progress made under the Wellington Convention for the Prohibition of Fishing with Long Drift-nets in the South Pacific Region. This is a good example of regional action in which we invite Asia-Pacific and distant-water fishing nations to participate without delay.

Australia does not believe that detailed monitoring of the implementation of this resolution will be necessary. We would like to see the Secretary-General continue to compile information on the nature and effectiveness of measures States have employed to ensure implementation. We urge all members of the international community to implement and comply with the resolution and to report to the Secretary-General any conduct inconsistent with its terms.

Australia attaches particular importance to the sustainable development of small island States. We have been closely involved in the implementation in the South Pacific of the outcomes of the Global Conference on the Sustainable Development of Small Island Developing States, especially the Barbados Programme of Action, and are very pleased with the decision of the Commission on Sustainable Development at its fifth session that a special session of the General Assembly should be held in 1999 to assess implementation.

Australia has always played an active role in the development and implementation of the law of the sea and related instruments, and we shall continue to do so. The International Year of the Ocean in 1998 will provide an opportunity to focus attention on this area and elicit new ideas.

Mr. Saliba (Malta): The item on oceans and the law of the sea has assumed importance in the Assembly's agenda. Over the years the issues discussed under this item have grown as we have seen the further development of international law in this field.

Paramount among all the items dealing with oceans is the United Nations Convention on the Law of the Sea. After many years of discussion and negotiation, we witnessed its entry into force in 1994. In just over three years the number of parties to the Convention has doubled. This speedy increase in the number of States parties is witness to the desire to achieve the universality of the Convention.

The Convention provides a comprehensive framework dealing with oceans. It is a Convention which addresses not only issues relating to peace and security but also issues ranging from pollution, conservation and management to dispute settlement. Even more importantly, it has established a unique principle in international law: the common heritage of mankind.

The past two years have seen the establishment of the institutions relating to the Convention on the Law of the Sea. With the entry into force of the Convention and the adoption of the Agreement relating to the Implementation of Part XI of the Convention, the International Seabed Authority has been established and has itself instituted its internal mechanisms. The Authority is now focusing on the more substantive issues relating to deep seabed mining. The ongoing negotiations on the draft Mining Code will hopefully yield good and comprehensive results. It is our hope that the issues

relating to the protection and preservation of the marine environment will be adequately covered in any final outcome. Such principles need to be guaranteed, for it is such aspects which ultimately preserve the notion of a common heritage.

The International Tribunal for the Law of the Sea in Hamburg, Germany, has also developed its operational features and has only recently begun its substantive work, with its first hearing on an institution of proceedings submitted by a State party. Likewise, the Commission on the Limits of the Continental Shelf has undertaken to finalize its regulations and methods of procedure.

The establishment and functioning of these bodies of the Convention is in itself a signal that the Convention is taking root not only in terms of legal principle but also in its impact on the issues and in regulating those areas for which the Convention was established.

The Convention on the Law of the Sea has continued to be strengthened through the negotiation and adoption of agreements to further define and regulate areas which the Convention did not fully address. The agreement on straddling fish stocks is an example, in which the international community, taking the Convention as its basis, sought to address a potential area of dispute and to promote cooperation in the use of resources. Efforts made and agreements reached in the Food and Agricultural Organization in Rome also promote and respond to the need to institute regulations in the field of the conservation and management of ocean resources.

The regional approach remains a valid and important one. Within the Mediterranean region, Malta has promoted the need for further measures with respect to pollution control, and it hosts the regional centre to combat oil pollution. The need to enhance cooperation in the field of conservation and management remains crucial to the underlying notion of common heritage.

The sustainable use of fish resources is one aspect to which we are particularly attached. Within the General Fisheries Council for the Mediterranean, Malta recently made a recommendation concerning drift-net fishing. This culminated in the adoption of resolution 97/1, which recommended that the contracting parties of the Council may not keep on board or use for fishing one or more drift-nets whose individual or total length is more than 2.5 kilometres. It was further decided that such nets, if longer than 1 kilometre, should remain attached to the vessel unless it is within the 12 mile coastal band.

Furthermore, the Government of Malta is currently undertaking to draft legislation regarding conservation and management measures in order to be in a better position to effectively apply the principles of sustainable development.

A number of bodies of the United Nations system have increasingly begun to deal with the issue of oceans and the law of the sea. The recent decision on this issue (resolution S-19/2, annex, para. 36) taken during the special session of the General Assembly on the review and appraisal of the implementation of Agenda 21, and the Assembly's decision that the Commission on Sustainable Development will take up the issue during its seventh session, in 1999, are indicative of the wide impact that such issues have in today's international climate. Such discussions should provide the opportunity to foster international cooperation in promoting the conservation and sustainable use of the marine environment within the overall framework provided by Convention on the Law of the Sea.

The General Assembly has proclaimed 1998 the International Year of the Ocean. It is our hope that this commemoration will further enhance and encourage the universality of the United Nations Convention on the Law of the Sea. Other commemorations continue to promote such universality, such as the recent convocation in Malta of the 25th Pacem in Maribus conference with the aim of promoting peace, security and sustainable development in furtherance of the concept of the common heritage of mankind.

Our successes in recent years with respect to the law of the sea have been many. We have embarked on a process where legal theory can be put into effective practice. As we do so, the overall objectives as proclaimed in the Convention must be borne in mind. The principle of cooperation permeates the notion of the common heritage of mankind. It is a cooperation which goes far beyond the present and looks to the future. The further consolidation of this principle can better serve not only present but also future generations. Malta pledges its continued support to this ongoing process.

Mr. Mohammed (Ethiopia), Vice-President, took the Chair.

Mr. Mahugu (Kenya): My delegation is pleased to participate in this debate on the consolidated agenda item 39, entitled "Oceans and the law of the sea". The item covers the entire broad range of issues which concern

oceans and the law of the sea, from developments in the field of conservation and the management of living marine resources to the sustainable use of the marine environment.

Bearing in mind the strategic importance of the United Nations Convention on the Law of the Sea as a framework for national, regional and global actions in the marine sector, as underlined by the General Assembly in its resolution 49/28, the importance of this annual consideration and review of the overall developments relating to implementation of the law of the sea cannot be overemphasized. Our overview of this process of implementation is made much easier today by the excellent reports submitted by the Secretary-General, covering a wide area and recording activities and developments of the past one year during which important milestones were reached. We would like to commend the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for this high standard of work.

Since the entry into force of the Convention in late 1994, the international community has devoted its attention mainly to the establishment of the institutions created under the Convention and their subsidiary organs. In March this year, during the Sixth Meeting of States Parties, 21 members of the Commission on the Limits of the Continental Shelf were elected, thereby completing the system of ocean institutions made up of the International Seabed Authority, the International Tribunal for the Law of the Sea and the Commission itself.

We have noted that the Commission on the Limits of the Continental Shelf began addressing a number of important issues related to its work during its last session in September this year. Since its members serve in their personal capacity and do not receive any remuneration from the United Nations, the recommendation to the States parties to consider establishing a fund to cover the travel and accommodation expenses of members of the Commission from developing countries deserves favourable attention.

Another significant event in the international community's quest to apply the rule of law in relations between States in marine affairs was the successful completion by the International Tribunal for the Law of the Sea of its judicial organizational phase, despite operating with a modest budget and a tiny staff under its President, Thomas Mensah. In particular, we are pleased to note that last month, during its fourth session, the Tribunal adopted three significant instruments, namely; the rules of the Tribunal, a set of guidelines to assist parties in presenting cases, and a resolution on internal judicial practice.

These instruments will not only facilitate the smooth functioning of the Tribunal and its chambers, but will also make it more amenable to potential litigants, thereby providing the necessary assurance of dispute settlement and regulation which are essential ingredients in the overall success of the Convention.

We note with satisfaction that the International Seabed Authority has also completed its organizational phase and is now entering the functional one. It has done so in a cost-effective and efficient manner consistent with the evolutionary approach to which we all subscribed at the beginning. We are particularly impressed by the vision of the future role of the Authority, as presented by its Secretary-General, Mr. Satya Nandan, which is in keeping with the mandate given to it by the Convention. We believe that the Authority should be provided with adequate resources to enable it to carry out its functions, particularly during the coming period in which its administrative expenses will be met through the assessed contribution of its members. Kenya, for its part, will soon honour its commitments to pay its share.

The success of the United Nations Convention on the Law of the Sea lies, to a large extent, in the political will and commitment of States to abide by its provisions. That 122 countries have so far become party to the Convention — almost double the number of States parties at the time of its entry into force exactly three years ago — is a clear indication of the international community's readiness to establish true universality through the widest possible participation.

The final realization of the Convention's many benefits will, however, require positive, sustained and collective efforts by States. We continue to be concerned that a growing number of States have made declarations or statements at the time of ratification or accession under article 310 of the Convention which are inconsistent and have the legal effect of modifying the provisions thereof. Paragraph 2 of draft resolution A/52/L.26, which is before us, reiterates the call made by this Assembly at its last session to States to ensure that such declarations and their national legislation conform to the provisions of the Convention. We urge those States to adhere to this requirement and withdraw any inconsistent declarations or actions.

As the activities derived from the implementation of the Convention increase, so do the practical requirements of promoting and assisting State practice in accordance with the Convention. In this regard, the special needs of developing countries, particularly for training in ocean and coastal area management and development, as well as in the conduct of marine scientific research, are more acute than before. There is, therefore, a need to pay more attention in this direction.

We continue to believe that the development of harmonized practices of States through the equitable, consistent and coherent application of the Convention remains a key challenge. In this regard, we would like to underscore the important role being played by the Division for Ocean Affairs and the Law of the Sea. The Division continues to carry out vital responsibilities in this area and should be strengthened as the focal point for a coordinated and integrated approach to oceans and law of the sea issues.

In conclusion, my delegation is once again pleased to be able to sponsor draft resolutions A/52/L.26 and L.27. It is our hope that all members will be able to support the draft resolutions before us.

Mr. Odoi-Anim (Ghana): Ghana welcomes the Secretary-General's reports on "Oceans and the law of the sea" contained in documents A/52/487 and A/52/491. The reports are well written and comprehensive. They address several pertinent aspects of the ongoing harmonization of international legal and policy issues in relation to the law of the sea and ocean affairs. We are grateful to the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for the reports.

The entry into force of the United Nations Convention on the Law of the Sea in 1994 was a significant step in the evolution of a legal regime to govern matters of the sea. It necessarily involved the establishment of institutions created under the Convention, as well as the coordination and harmonization of the legal issues and policy matters arising from the Convention.

The elections to and subsequent establishment of the Commission on the Limits of the Continental Shelf in March this year brought to a conclusion the process of establishing institutions under the Convention.

The delegation of Ghana notes with satisfaction that all institutions established under the Convention have, within the present resource constraints, taken the necessary steps required of them to enable them effectively to discharge their mandates under the Convention. In this connection, it is noteworthy that both the International Seabed Authority and the International Tribunal for the Law of the Sea, two key institutions in the new legal regime on oceans, have performed creditably to date.

The constitution within a relatively short period of three standing chambers by the International Tribunal for the Law of the Sea, that is, the Chamber of Summary Procedure, the Chamber for Fisheries Disputes and the Chamber for Marine Environment Disputes, in addition to the Seabed Disputes Chamber, deserves special mention.

In the light of these developments, the Ghana delegation takes the view that it is now time for the international community to address itself to specific aspects of the oceans and related issues affecting Member States, particularly developing countries.

There are remarkable differences in the levels of social and economic development between Member States. Such differences are directly linked to the ability of developing countries to fully utilize all aspects of the oceans, and to adjust to the consequences of changes in the overall marine environment.

The effects of these differences are also reflected in the application of ocean science and acquisition of marine technology. We are confident that the sense of urgency, mutual accommodation and the spirit of compromise which characterized the institution-building phase of our collective endeavour will similarly be reflected at this stage. The Secretary-General, in his role as the coordinating bureau on the law of the sea and ocean affairs, has a crucial role to play in this regard. The United Nations should now initiate policy objectives which will enhance the capacity of developing countries, with a view to addressing the effects of the imbalance I mentioned earlier. This will enable developing countries to fully utilize the benefits conferred on them under the Convention, as well as enhancing their effectiveness in the discharge of their obligations under the Convention.

The Ghana delegation, in light of the aforesaid, is pleased to note that part V of the Secretary-General's report (A/52/487) focuses at length on the development of marine resources and the protection of the marine environment, an issue of utmost concern to our delegation.

It is regrettable that the report of the United Nations Environment Programme (UNEP) on the *Global environmental outlook* indicates a continuous trend of environmental deterioration. According to the report, one third of the world's coastal regions are at a high risk of degradation, particularly from land-based activities. This is especially alarming in the light of the importance of the world's oceans to the health of the global environment and to economic and social development.

Though the obligation to protect the marine environment and other related issues have been addressed by a large number of legal instruments at global and regional levels, which recommend practices and procedures for marine environmental protection, the practices of States reflect inconsistencies and a glaring lack of uniformity.

Ghana urges all States parties to ensure that specific obligations assumed under separate treaty regimes are undertaken in a manner consistent with the general principles and objectives of the United Nations Convention on the Law of the Sea, so as to bring such obligations within the framework of paragraph 2 of article 237 of the Convention, which provides as follows:

> "Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention."

My delegation is of the view that intensive, comprehensive and coordinated efforts at the regional and global levels would progressively facilitate this objective.

Ghana also welcomes the initiatives undertaken within the framework of the integrated marine and coastal area management programme as indicated in paragraphs 234-237 of the Secretary-General's report (A/52/487). Ghana is in full agreement with the conclusions arrived at by the first Meeting of Experts on Marine and Coastal Biological Diversity, which convened in Jakarta in March of this year, and particularly with those decisions that underscore the fact that integrated marine and coastal management constitutes the most effective tool for implementing the Convention on Biological Diversity and that actions taken in this direction should be based on the United Nations Convention on the Law of the Sea.

Ghana is hopeful that such initiatives will receive the support of the private sector. It is also our expectation that specialized bodies such as UNEP and the United Nations Development Programme (UNDP) will intensify their efforts in this sphere and extend their activities to the development of country-specific programmes, for developing countries in particular. Efforts along these lines would be in conformity with the overall objectives and resolutions of the nineteenth special session of the General Assembly on oceans and seas, and also with Assembly resolution 51/189 of 16 December 1996, which, in effect, urged Governments to strengthen the institutional links between relevant intergovernmental mechanisms involved in the development and implementation of integrated coastal zone management programmes.

I will at this stage address issues related to two topics presented in sub-sections 4 and 5 of section B, under part IV of the Secretary-General's report (A/52/487). These are marine casualties and assistance at sea, issues covered by articles 94, paragraph 7, and 98 of the Convention on the Law of the Sea. These issues are of great concern to my delegation. Article 94, paragraph 7, of the Convention enjoins States to cause inquiries to be held by or before a suitably qualified person or persons

> "into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State".

On the other hand, article 98 enjoins a State, among other things, to

> "require the master of a ship flying its flag ...:
>
> "(a) to render assistance to any person found at sea in danger of being lost;"

and

> "(b) to proceed with all possible speed to the rescue of persons in distress".

The combined effect of these two articles is to ensure that incidents involving the loss of lives at sea are thoroughly investigated and that assistance is provided to all manner of persons in distress at sea. This also implies, in our view, the obligation not to create the situations which these articles seek to redress.

It is therefore regrettable that ships flying the flags of some Member States, in utter disregard for human

lives and human decency, continue to throw individuals they perceive to be stowaways into shark-infested waters, giving them no chance of survival. Some of the stowaways have been murdered outright on the ships, while stowaways on other ships have been set on rafts on the high seas and been left to their fate. It is equally regrettable that even ships in the proximity of such unfortunate individuals have refused to render the assistance required of them.

The phenomenon of stowaways is not new. What is new, and what should be confronted with vigour, is the degree of cruelty with which masters of ships flying the flags of some States present in this forum seek to address the problem.

Ghana, for its part, has taken steps to curb stowaway incidents originating in our ports. These steps include new legislation which prescribes stiffer penalties for stowaways, improvements in port security and the coordination of efforts between the Ghana National Union of Seamen and the relevant governmental agencies to educate youth and the public at large on the dangers of stowing away.

We hope, therefore, that Member States will fully discharge their obligations under article 94, paragraph 7, and article 98 of the Convention. We further suggest that the outcome of inquiries undertaken within the framework of article 94, paragraph 7, should be made available by States parties involved for inclusion in the Secretary-General's report on this item.

It is also our hope that the draft International Maritime Organization (IMO) Assembly resolution on the Code for the Investigation of Marine Casualties and Incidents, when adopted by the Assembly of that Organization, will further strengthen the existing legal regime on this subject.

On the status of the Agreement relating to the Implementation of Part XI of the Convention, I wish to state that the Government of Ghana is taking the necessary procedural steps within our national Constitution to ratify in the near future the Agreement relating to the Implementation of Part XI of the Convention.

In conclusion, I wish once again to reiterate our appreciation for the Secretary-General's report on this subject. It is our hope that Member States will fully utilize the challenge and opportunities presented by the International Year of the Ocean in 1998 to improve global decision-making at all levels on the marine environment and to enhance its sustainable use. We must continue to highlight the importance of the Convention in our developmental efforts and expand our cooperation at all levels and on all aspects of the United Nations Convention on the Law of the Sea.

Mr. Biørn Lian (Norway): The making of a new international order of the oceans required 15 years of sustained efforts. That process has gone down in history as one of the most complex and successful multilateral negotiations. The United Nations Convention on the Law of the Sea balances a variety of national interests and represents a "package deal" with a comprehensive framework of principles and rules.

Seen from the perspective of a country such as Norway, whose society is highly dependent on peaceful uses of the seas, this framework contributes substantially to both legal certainty and international stability. It is against this background that Norway ratified the Convention and acceded to the Agreement relating to the Implementation of Part XI of the Convention in 1996. Moreover, we are delighted by the continuously increasing number of States parties acceding to these two legal instruments.

More than 120 ratifications, accessions or successions give reason to believe in the realization of the goal of universal participation. We hope that those States that may dislike certain elements contained in the Convention or the Agreement, will find at the end of the day that, on balance, their national interests, in addition to those of the international community, will be well served by accession to these instruments. At the same time, it is necessary to stress that the Agreement relating to the Implementation of Part XI of the Convention is an integral part of the package. There seems to be a discrepancy between the relatively low number of States parties to the Agreement, which is less than 90, and the number of States parties to the Convention. We therefore hope that this gap will be bridged in the very near future.

The information contained in the report of the Secretary-General relating to States' attempts through declarations to attach conditions which may modify the legal effects of provisions of the Convention gives rise to concern. When ratifying the Convention in 1996, Norway issued a declaration to the effect that it objected to any national declarations or statements that were not compatible with the provisions of articles 309 and 310 of the Convention.

While the main framework for the new international order of the oceans was laid down in the Convention and the Agreement relating to the Implementation of Part XI of the Convention, only certain building-blocks where thus set in place with regard to fisheries on the high seas. The important work carried out at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which resulted in the related Agreement of 1995, provided further walling and roofing for a new legal architecture. This architecture is necessary in order to meet the vital challenges of the management of fisheries on the high seas. Norway was among the early ratifiers of this Agreement and hopes that the process of ratification which has been undertaken by a number of States will soon lead to its entry into force.

At the same time, it ought to be stressed that the status of fisheries on the high seas is in certain cases so alarming that one cannot await the entry into force of the 1995 Agreement in order to take action. Unregulated fisheries need to be brought under control, and this is a precondition for the sustainable development of important fisheries. Concerted action and increased levels of cooperation need to be accompanied by national implementation measures in order to ensure credibility. Regional and subregional cooperation arrangements for fisheries on the high seas need to be developed further in conformity with the principles envisaged in the 1995 Agreement. In the North Atlantic this work is well under way under the auspices of the North-East Atlantic Fisheries Commission (NEAFC) and the North-West Atlantic Fisheries Organization (NAFO).

Moreover, we are highly encouraged by the recent measures adopted by the Commission for the Conservation of Antarctic Marine Living Resources with regard to the illegal and unregulated fishing of Patagonian toothfish. Concerted action within NAFO working towards extended use of satellite-monitoring systems constitutes another important example of steps taken towards the efficient conservation and management of stocks, including effective control of compliance with measures at the regional or subregional level. In this connection, it is also worth mentioning the NAFO prohibition against landings and trans-shipments in all contracting-party ports of all fish from non-contracting-party vessels caught in contravention of NAFO regulations, a measure to which we attach great significance.

My delegation would now like to make a general observation concerning developments in ocean affairs and the law of the sea, namely, the proliferation of negotiation processes and decision-making in a number of international bodies, as well as the conclusion of new international agreements with direct relevance to the international order of the seas. Keeping track of such developments is admittedly very difficult, and that is not least the case for national Governments, which strive for coordination of efforts directed at ensuring consistency with the law of the sea. A precondition for achieving this aim is to obtain on a regular basis a comprehensive survey of all current activities which may have a bearing on this area of the law. Norway is convinced that the General Assembly can, through the discussion of this item, provide necessary guidance and coordination. Such a role for the General Assembly is fully consistent with Articles 10 and 13 of the United Nations Charter. In this regard, the informative value of the comprehensive report of the Secretary-General cannot be overstated.

Among examples of developments highlighted by that report, one may point to the important new role played by international bodies as diverse as the International Maritime Organization (IMO) in London and the Commission on the Limits of the Continental Shelf in New York with regard to the implementation of key provisions of the Convention on the Law of the Sea.

The IMO is recognized as the international body responsible for adopting ships' routing systems, which have direct bearing on navigation through international straits as well as archipelagic sea lanes. The comprehensive and practical experience of the IMO with regard to ships' routing measures is an essential element when considering ways and means to implement new rules of international law pursuant to parts III and IV of the Convention. Norway is satisfied that the orderly and methodical approach taken in preparing the first-ever designation of archipelagic sea lanes is setting an important precedent in this important field. The IMO also plays an important role in other fields closely related to the implementation of the Convention, one example, to which Norway attaches great significance, being the IMO guidelines for the removal and disposal of offshore installations and structures. This is a highly complex issue which deserves careful and dispassionate study.

Another example of an area where the report of the Secretary-General provides important updated information is the work done by the Commission on the Limits of the Continental Shelf, which has carried out preparatory work on its rules of procedure. We hope that this work will lead to the needed clarifications to enable States to present the first submissions to the Commission.

My delegation would also like to stress the importance of consistency between new international agreements and the Convention. Norway has raised this issue in the context of the ongoing negotiations in the Organisation for Economic Cooperation and Development (OECD) on a multilateral agreement on investment. It is important that due account be taken of both the geographical and functional limits on coastal-State authority beyond the territorial sea when negotiating such new agreements. Furthermore, such new agreements should not interfere with the rules of the Law of the Sea Convention pertaining to the conservation and management of natural resources.

Finally, my delegation would like to emphasize the need for an early dissemination of this very useful report by the Secretary-General. This is, in fact, a prerequisite for useful discussions under this agenda item. I would like to recall that our delegation, in the course of the last Meeting of States Parties to the Convention, expressed a strong wish for an early publication of the report during this General Assembly session. We regret that this extremely useful and comprehensive report was, once again, made available rather late. We hope that improvements will be made in this regard at the fifty-third session of the General Assembly.

Mr. Jele (South Africa): Agenda item 39, "Oceans and the law of the sea," is an important one for South Africa. My delegation wishes to thank the Secretary-General for the high quality of his comprehensive annual reports on this item, contained in documents A/52/487, A/52/491, A/52/555 and A/52/557. It is our view that the decision taken in General Assembly resolution 51/34 to consider in an expanded manner all aspects of ocean management under one agenda item is already beginning to pay dividends. My delegation also wishes to thank the delegations of New Zealand and the United States of America for introducing the draft resolutions on this item, as contained in documents A/52/L.26, L.27, L.29 and L.30.

On 16 November 1994, little more than three years ago, the United Nations Convention on the Law of the Sea entered into force following the deposit with the Secretary-General of the sixtieth instrument of ratification exactly one year before. Since then, a further 62 instruments of ratification or accession have been received, bringing the total number of States parties to the Convention to 122 and at the same time making it one of the most successful and comprehensive international conventions ever negotiated under the auspices of the United Nations. Indeed, it is a tribute to the drafters of the Convention that 15 years after its adoption and opening for signature on 10 December 1982, significant numbers of States continue to become parties to it. The Convention's appeal lies in the fact that with 17 parts and nine annexes, as well as an implementation Agreement, the Convention is the most comprehensive regime dealing with all matters relating to the law of the sea. We have no doubt that the Convention is well on its way to universal acceptance.

Although it is not presently among the 122 States parties, South Africa has actively participated in the seven Meetings of States Parties, as well as being a provisional member of the International Seabed Authority (ISA). Moreover, South Africa's Maritime Zones Act of 1994 is in conformity with the provisions of the Convention. Nevertheless, South Africa expects to join the family of States parties in the very near future. The South African cabinet approved ratification of the Convention on the Law of the Sea on 20 August 1997 and the matter is currently under consideration in Parliament, where a final decision is due at any time.

Significant developments in the field of oceans and the law of the sea have taken place since the adoption of resolution 51/34 on 9 December 1996. I wish to comment on only a few of these developments at this stage.

South Africa welcomes the progress made by the International Seabed Authority during its two-part third session in 1997. We note with satisfaction the approval of plans of work for exploration by seven registered pioneer investors, as well as the progress that has been made on the Protocol on Privileges and Immunities of the ISA, its Financial Regulations and the Headquarters Agreement with the Government of Jamaica. It is our hope that the Authority will be in a position to adopt the Protocol, the Agreement and the Regulations at its next session. Moreover, for the first time since the Authority's establishment, its budget will be met by assessed contributions of its members, including its provisional members. To ensure ISA's efficient operation and management, it is therefore imperative that members pay their assessed contributions to the Authority in full, on time and without conditions.

The Legal and Technical Commission has made much progress during 1997 in its consideration of the draft regulations on prospecting and exploration of polymetallic nodules in the Area, as well as the draft standard terms of exploration contract. It is our earnest hope that the Commission can complete its work early in

the fourth session of the Authority in March 1998, so that the Council can take up the matter and possibly adopt the mining code at that session. South Africa considers it imperative that the mining code be a balanced code that takes into account the interests of those wishing to exploit the resources of the Area, as well as environmental considerations, so as to ensure that any mining activities that may be undertaken do not cause serious damage to the marine environment.

South Africa is also honoured to be one of the sponsors of the draft resolution, contained in document A/52/L.27, concerning the approval of the Relationship Agreement between the United Nations and the International Seabed Authority. The Relationship Agreement is essential to small independent organizations such as ISA so as to ensure their continued well-being. We strongly recommend its adoption by the General Assembly without a vote.

We wish to commend the Secretary-General of the Authority, Mr. Satya Nandan, for the efficient and cost-effective manner in which he has established the Authority in Kingston, Jamaica.

The International Tribunal for the Law of the Sea, with its seat in Hamburg, Germany, has also made significant progress during the last year. We note with satisfaction that, after only one year, the Tribunal has been able to adopt three very significant instruments: its Rules of procedure, a set of Guidelines to assist parties in presenting cases, and a resolution on the Internal Judicial Practice of the Tribunal, which sets out the manner in which the deliberations of the judges will take place. We commend the Tribunal most highly for its efforts in ensuring that the Rules are efficient, cost-effective and user-friendly.

The adoption of the Rules of the Tribunal, the Guidelines and the resolution, together with the constitution of the four standing Chambers, have come at a most opportune time, as we have recently learnt that the Tribunal has now received its first case. For its part, South Africa will follow the deliberations and outcome of the application before the Tribunal with keen interest.

The institution-building that was required by the Convention has now been completed with the election of 21 members of the Commission on the Limits on the Continental Shelf during the Sixth Meeting of States Parties in March 1997. South Africa welcomes its establishment and takes note of the progress it made during its two sessions in 1997 on its rules of procedure and with its internal functioning. The Commission will no doubt play a vital role in the determination of the outer limits of the continental shelf of coastal States.

The importance of the Division for Ocean Affairs and the Law of the Sea should also not be lost sight of. In fact, the Convention entrusts a number of specific responsibilities to the Secretary-General, some of which are spelled out in operative paragraph 11 of draft resolution A/52/L.26. Two of the most important responsibilities are the preparation of the comprehensive annual report for consideration by the Assembly and the collection, compilation and dissemination of information on ocean affairs. It is therefore incumbent upon this Assembly to ensure that the Division has the necessary resources and manpower to effectively perform these duties.

As I mentioned earlier, South Africa adopted the Maritime Zones Act of 1994, which establishes a territorial sea, contiguous zone, exclusive economic zone and continental shelf for South Africa. All these zones are in accordance with the Convention. We note with concern from the Secretary-General's report that 15 States, some of which are States parties to the Convention, continue to claim a territorial sea in excess of the limit of 12 nautical miles, as mandated in article 3 of the Convention. In addition, one State claims a contiguous zone in excess of the 24-nautical-mile limit laid down in article 33, paragraph 2. We therefore call on these States to harmonize their domestic legislation with the Convention.

We are pleased with the results of the increased inter-agency cooperation that now exists in the field of the oceans. The report of the Secretary-General in document A/52/491, which contains the replies received from organizations and bodies of the United Nations system, is most welcome and it is our hope that its issuance becomes a regular practice. We wish to emphasize the importance of coordination between the United Nations and the specialized agencies, particularly the International Maritime Organization (IMO) and the Food and Agriculture Organization of the United Nations, which both have specific roles to play under the Convention.

On the question of the International Maritime Organization, my delegation is delighted to have been elected as a member of the Council of the IMO. South Africa wishes to thank all delegations for their valuable

assistance in this regard and undertakes to play a constructive role in the field of maritime navigation.

South Africa welcomes the increase to 15 of the number of States parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks — the so-called Fish Stocks Agreement. We note that, little more than one year ago, there were only three States parties to the Agreement and that, given a similar increase in ratifications or accessions during 1998, it is certainly foreseeable that the Agreement can enter into force early in 1999. For its part, South Africa is positively disposed towards the Fish Stocks Agreement and is currently considering accession in the near future. As such, my delegation is pleased to support the draft resolution on the Fish Stocks Convention, as contained in document A/52/L.29.

Illegal foreign fishing in South Africa's territorial waters and its exclusive economic zone, particularly in the area surrounding the Prince Edward Islands, continues and is a cause of great concern for South Africa. With this in mind, a Marine Living Resources Bill has been introduced into Parliament and is scheduled to be debated during 1998. The Bill aims to provide for the conservation of the marine ecosystem, the long-term sustainable utilization of marine living resources and the protection and orderly access to exploitation of certain marine living resources. In addition, it will repeal the existing quota board and replace it with a State-owned company which will sell or lease rights of access to fish on a tender basis. Moreover, the Bill provides for fines of up to $1 million for contravention of the measures. In addition, South Africa some time ago outlawed the use of drift-net fishing in areas under its national jurisdiction. Unfortunately, it appears that the worldwide moratorium on the use of drift-nets is not being universally enforced. We must, therefore, remain vigilant and continue highlighting this particular problem. In this regard, South Africa strongly supports the draft resolution contained in document A/52/L.30 and hopes that it can be adopted without a vote.

In conclusion, I wish to reiterate that South Africa attaches great importance to all matters relating to oceans and the law of the sea. With a coastline stretching for almost 3,000 kilometres along a busy sea route and the fact that a large proportion of its population lives on or near the coast, South Africa places great emphasis on the future well-being of the world's oceans. As we approach the International Year of the Ocean in 1998, we need to take collective measures to prevent the continued deterioration of the world's oceans from land-based and vessel-based sources.

The meeting rose at 1 p.m.